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TYPE I-FOIA

U.S. District Court District of Columbia (Washington, DC) CIVIL DOCKET FOR CASE #: 1:18-cv-00656-BAH

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF

VETERANS AFFAIRS et al

Assigned to: Chief Judge Beryl A. Howell Cause: 05:552 Freedom of Information Act

Date Filed: 03/22/2018 Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

represented by Hart W. Wood

AMERICAN OVERSIGHT 1030 15th Street, NW

Suite B255

Washington, DC 20005 (202) 873–1743 Fax: (202) 871–6523

Email: hart.wood@americanoversight.org

PRO HAC VICE

ATTORNEY TO BE NOTICED

Sara Kaiser Creighton AMERICAN OVERSIGHT 1030 15th Street, NW

Suite B255

Washington, DC 20005 (202) 869–5246 Fax: (202) 871–6523

Email: sara.creighton@americanoversight.org

ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF VETERANS AFFAIRS

represented by Jeremy S. Simon

U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA 555 Fourth Street, NW Washington, DC 20530

(202) 252–2528 Fax: (202) 252–2599 Email: jeremy simon@

Email: jeremy.simon@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF AGRICULTURE

TERMINATED: 10/01/2018

represented by Jeremy S. Simon

(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF COMMERCE

TERMINATED: 11/13/2018

represented by Jeremy S. Simon

(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Defendant

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U.S. DEPARTMENT OF DEFENSE

TERMINATED: 10/01/2018

represented by Jeremy S. Simon

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF

EDUCATION

represented by Jeremy S. Simon

(See above for address) **LEAD ATTORNEY**

ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF ENERGY

TERMINATED: 10/01/2018

represented by Jeremy S. Simon

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

U.S. GENERAL SERVICES

ADMINISTRATION TERMINATED: 06/20/2018 represented by Jeremy S. Simon

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

U.S. ENVIRONMENTAL PROTECTION AGENCY

TERMINATED: 11/13/2018

represented by Jeremy S. Simon

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF HEALTH

AND HUMAN SERVICES

represented by Jeremy S. Simon

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF

HOMELAND SECURITY

represented by Jeremy S. Simon

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF HOUSING

AND URBAN DEVELOPMENT

represented by Jeremy S. Simon

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF THE

INTERIOR

represented by **Jeremy S. Simon**

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by Jeremy S. Simon

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

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Defendant

U.S. DEPARTMENT OF LABOR

TERMINATED: 06/21/2018

represented by Jeremy S. Simon

(See above for address) **LEAD ATTORNEY**

ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF TRANSPORTATION

TERMINATED: 10/01/2018

represented by Jeremy S. Simon

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF THE

TREASURY

TERMINATED: 11/13/2018

represented by Jeremy S. Simon

(See above for address) **LEAD ATTORNEY**

ATTORNEY TO BE NOTICED

Defendant

OFFICE OF MANAGEMENT AND **BUDGET**

represented by Jeremy S. Simon

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/22/2018	1	COMPLAINT against ALL DEFENDANTS (Filing fee \$ 400 receipt number 0090–5384436) filed by AMERICAN OVERSIGHT. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Civil Cover Sheet, # 12 Summons to USAO, # 13 Summons to AG, # 14 Summons to VA, # 15 Summons to USDA, # 16 Summons to Commerce, # 17 Summons to DOD, # 18 Summons to Education, # 19 Summons to DOE, # 20 Summons to GSA, # 21 Summons to EPA, # 22 Summons to HHS, # 23 Summons to DHS, # 24 Summons to HUD, # 25 Summons to DOI, # 26 Summons to DOJ, # 27 Summons to DOL, # 28 Summons to DOT, # 29 Summons to Treasury, # 30 Summons to OMB)(Creighton, Sara) (Entered: 03/22/2018)
03/22/2018	2	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Creighton, Sara) (Entered: 03/22/2018)
03/22/2018		Case Assigned to Judge Colleen Kollar–Kotelly. (zmd) (Entered: 03/23/2018)
03/26/2018	3	SUMMONS (19) Issued Electronically as to OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. GENERAL SERVICES ADMINISTRATION, U.S. Attorney and U.S. Attorney General. (tth) (Additional attachment(s) added on 3/26/2018: # 1 Notice and Consent) (tth). (Entered: 03/26/2018)
03/28/2018	<u>4</u>	Case Randomly Reassigned to Chief Judge Beryl A. Howell. Judge Colleen Kollar–Kotelly is no longer assigned to the case. (rj) (Entered: 03/29/2018)
03/31/2018	<u>5</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on March 31, 2018. (lcbah2) (Entered: 03/31/2018)

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04/30/2018	<u>6</u>	NOTICE of Appearance by Jeremy S. Simon on behalf of All Defendants (Simon, Jeremy) (Entered: 04/30/2018)
05/01/2018	7	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/9/2018. (Answer due for ALL FEDERAL DEFENDANTS by 5/9/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/9/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. OFFICE OF MANAGEMENT AND BUDGET served on 4/9/2018; U.S. DEPARTMENT OF AGRICULTURE served on 4/9/2018; U.S. DEPARTMENT OF COMMERCE served on 4/9/2018; U.S. DEPARTMENT OF DEFENSE served on 4/9/2018; U.S. DEPARTMENT OF EDUCATION served on 4/9/2018; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 4/9/2018; U.S. DEPARTMENT OF HOMELAND SECURITY served on 4/9/2018; U.S. DEPARTMENT OF HOMELAND SECURITY served on 4/9/2018; U.S. DEPARTMENT OF JUSTICE served on 4/9/2018; U.S. DEPARTMENT OF JUSTICE served on 4/9/2018; U.S. DEPARTMENT OF THE INTERIOR served on 4/9/2018; U.S. DEPARTMENT OF THE TREASURY served on 4/9/2018; U.S. DEPARTMENT OF TRANSPORTATION served on 4/9/2018; U.S. DEPARTMENT OF VETERANS AFFAIRS served on 4/9/2018; U.S. ENVIRONMENTAL PROTECTION AGENCY served on 4/9/2018; U.S. GENERAL SERVICES ADMINISTRATION served on 4/9/2018 (Attachments: # 1 Exhibit A)(Creighton, Sara) (Entered: 05/01/2018)
05/08/2018	8	MOTION to Sever Claims, MOTION to Stay Response to Complaint Pending Resolution of Motion to Sever by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF LABOR, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. GENERAL SERVICES ADMINISTRATION (Attachments: # 1 Proposed Order)(Simon, Jeremy) (Entered: 05/08/2018)
05/09/2018		MINUTE ORDER (paperless) GRANTING the part of the defendants' 8 Motion to Stay Defendants' Response to Complaint until resolution of the part seeking the defendants' 8 Motion to Sever Claims. Accordingly, the defendants' 8 Motion to Sever Claims, and the following SCHEDULING ORDER is ISSUED to control further proceedings in this matter: (1) the plaintiff shall file, by May 22, 2018, any opposition to the defendants 8 Motion to Sever Claims; and (2) the defendants shall file, by May 29, 2018, any reply in further support of their 8 Motion to Sever Claims. Signed by Chief Judge Beryl A. Howell on May 9, 2018. (lcbah2) (Entered: 05/09/2018)
05/09/2018		Set/Reset Deadlines: Opposition to <u>8</u> Motion to Sever Claims due by 5/22/2018; Reply due by 5/29/2018. (tg) (Entered: 05/09/2018)
05/22/2018	2	Memorandum in opposition to re <u>8</u> MOTION to Sever <i>Claims</i> MOTION to Stay <i>Response to Complaint Pending Resolution of Motion to Sever</i> filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order)(Creighton, Sara) (Entered: 05/22/2018)
05/27/2018	<u>10</u>	REPLY to opposition to motion re <u>8</u> MOTION to Sever <i>Claims</i> MOTION to Stay <i>Response to Complaint Pending Resolution of Motion to Sever</i> filed by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF

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		LABOR, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. GENERAL SERVICES ADMINISTRATION. (Simon, Jeremy) (Entered: 05/27/2018)
06/02/2018	<u>11</u>	MEMORANDUM OPINION AND ORDER DENYING the defendants' <u>8</u> Motion to Sever Claims, and DIRECTING that the defendants shall file an answer or otherwise respond to the Complaint within twenty days of this Order. <i>See</i> Memorandum Opinion and Order for further details. Signed by Chief Judge Beryl A. Howell on June 2, 2018. Signed by Chief Judge Beryl A. Howell on June 2, 2018. (lcbah2) (Modified on 6/4/2018, to correct typographical changes.)(ztg). (Entered: 06/02/2018)
06/20/2018	<u>12</u>	NOTICE of Voluntary Dismissal re U.S. General Services Administration (Creighton, Sara) (Entered: 06/20/2018)
06/21/2018	<u>13</u>	NOTICE of Voluntary Dismissal re U.S. Department of Labor (Creighton, Sara) (Entered: 06/21/2018)
06/22/2018	<u>14</u>	ANSWER to Complaint by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. ENVIRONMENTAL PROTECTION AGENCY.(Simon, Jeremy) (Entered: 06/22/2018)
07/03/2018	<u>15</u>	Consent MOTION for Extension of Time to <i>File Joint Status Report</i> by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # 1 Proposed Order)(Simon, Jeremy) (Entered: 07/03/2018)
07/04/2018		MINUTE ORDER (paperless) GRANTING the defendants' 15 Consent Motion for Extension of Time to File Joint Status Report, and DIRECTING the parties to file, by July 23, 2018, a joint status report, as required by paragraph 3(b)(ii) of the 5 Standing Order. Signed by Chief Judge Beryl A. Howell on July 4, 2018. (lcbah2) (Entered: 07/04/2018)
07/05/2018		Set/Reset Deadlines: Joint Status Report due by 7/23/2018. (tg) (Entered: 07/05/2018)
07/23/2018	<u>16</u>	Joint STATUS REPORT of the Parties by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF AGRICULTURE, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF TRANSPORTATION, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 07/23/2018)
07/24/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>16</u> Joint Status Report, that the parties file, by September 6, 2018, a further joint status report with a proposed schedule for the filing of any dispositive motions. Signed by Chief Judge Beryl A. Howell on July 24, 2018. (lcbah2) (Entered: 07/24/2018)

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07/25/2018		Set/Reset Deadlines: Joint Status Report due by 9/6/2018. (tg) (Entered: 07/25/2018)
08/22/2018	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name— Hart W. Wood, :Firm—American Oversight, :Address—1030 15th Street NW B—255, Washington, DC 20005. Phone No.—(202) 897—3918. Fax No.—(202) 871—6523 Filing fee \$ 100, receipt number 0090—5653117. Fee Status: Fee Paid. by AMERICAN OVERSIGHT (Attachments: # 1 Text of Proposed Order, # 2 Declaration of Hart W. Wood)(Creighton, Sara) (Entered: 08/22/2018)
08/22/2018		MINUTE ORDER (paperless) GRANTING the plaintiff's <u>17</u> Motion for Admission of Attorney <i>Pro Hac Vice</i> of Hart W. Wood. Hart W. Wood may enter an appearance <i>pro hac vice</i> for the purpose of representing the plaintiff in this action. Signed by Chief Judge Beryl A. Howell on August 22, 2018. (lcbah2) (Entered: 08/22/2018)
09/06/2018	<u>18</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 09/06/2018)
09/18/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>18</u> Joint Status Report, that the parties file, by September 28, 2018, a further joint status report with a proposed schedule for the filing of any dispositive motions. Signed by Chief Judge Beryl A. Howell on September 18, 2018. (lcbah2) (Entered: 09/18/2018)
09/18/2018		Set/Reset Deadlines: Joint Status Report due by 9/28/2018. (tg) (Entered: 09/18/2018)
09/28/2018	<u>19</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 09/28/2018)
09/28/2018	<u>20</u>	STIPULATION of Dismissal of Defendants Department of Energy, Department of Agriculture, Department of Defense, and Department of Transportation by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 09/28/2018)
10/01/2018		MINUTE ORDER (paperless) DISMISSING the plaintiff's claims against the defendants Department of Energy, Department of Agriculture, Department of Defense and Department of Transportation, with prejudice, pursuant to the parties' 20 Joint Stipulation of Dismissal. Signed by Chief Judge Beryl A. Howell on October 1, 2018. (lcbah2) (Entered: 10/01/2018)
10/01/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' 19 Joint Status Report, that the parties file, by October 24, 2018, a further joint status report with a proposed schedule for the filing of any dispositive motions. Signed by Chief Judge Beryl A. Howell on October 1, 2018. (lcbah2) (Entered: 10/01/2018)
10/01/2018		Set/Reset Deadlines: Joint Status Report due by 10/24/2018. (tg) (Entered: 10/01/2018)
10/24/2018	21	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF THE TREASURY, U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. ENVIRONMENTAL PROTECTION AGENCY. (Simon, Jeremy) (Entered: 10/24/2018)
10/25/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>21</u> Joint Status Report, that the parties file, by November 27, 2018, a further joint status report with a proposed schedule for the filing of any dispositive motions. Signed by Chief Judge Beryl A. Howell on October 25, 2018. (lcbah2) (Entered: 10/25/2018)
10/25/2018		Set/Reset Deadlines: Joint Status Report due by 11/27/2018. (tg) (Entered: 10/25/2018)
11/09/2018	<u>22</u>	STIPULATION of Dismissal as to Defendants U.S. Department of Commerce, U.S. Environmental Protection Agency, and U.S. Department of the Treasury by AMERICAN OVERSIGHT. (Wood, Hart) (Entered: 11/09/2018)
11/13/2018		MINUTE ORDER (paperless) DISMISSING the plaintiff's claims against the defendants Department of Commerce, Environmental Protection Agency, and Department of Treasury, with prejudice, pursuant to the parties' 22 Joint Stipulation of

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		Dismissal. Signed by Chief Judge Beryl A. Howell on November 13, 2018. (lcbah2) (Entered: 11/13/2018)
11/27/2018	23	Joint STATUS REPORT by OFFICE OF MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF THE INTERIOR, U.S. DEPARTMENT OF VETERANS AFFAIRS. (Simon, Jeremy) (Entered: 11/27/2018)
11/27/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>23</u> Joint Status Report, that the parties file, by January 9, 2019, a further joint status report with a proposed schedule for the filing of any dispositive motions. Signed by Chief Judge Beryl A. Howell on November 27, 2018. (lcbah2) (Entered: 11/27/2018)
11/28/2018		Set/Reset Deadlines: Joint Status Report due by 1/9/2019. (tg) (Entered: 11/28/2018)